

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY	
RAS Citron, LLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Laura Eggerman, Esq. (LE-2000)	CASE NO.: 18-10294-JNP CHAPTER 13 Objection to Confirmation of Debtor's Chapter 13 Plan
In Re: Raymond F. Dougherty, Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

DITECH FINANCIAL LLC ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE # 11), and states as follows:

1. Debtor, Raymond F. Dougherty, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on January 7, 2018.
2. Secured Creditor holds a security interest in the Debtor's real property located at 1121 COOPER STREET, DEPTFORD, NJ 08096, by virtue of a Mortgage recorded on April 27, 2007 in the Public Records of Gloucester County, NJ. Said Mortgage secures a Note in the amount of \$142,000.00.
3. The Debtor filed a Chapter 13 plan on January 16, 2018.
4. The Plan includes payments toward the Note and Mortgage with Secured Creditor, however the figures used by the Debtor are inaccurate and do not conform to Secured Creditor's timely-filed Proof of Claim. The correct pre-petition arrearage due Secured Creditor is \$24,461.65, whereas the Plan do not propose to pay any arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which

proposes to pay it anything less than \$24,461.65 as the pre-petition arrearage over the life of the plan.

5. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any loss mitigation efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).

6. Based on Debtor's Schedules, the Plan does not appear feasible due to the representation that sufficient disposable income is not available to support the proposed Plan payments.

Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(6) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

RAS Citron, LLC
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By: /s/Laura Egerman
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CERTIFICATION OF SERVICE

1. I, Laura Egerman, represent DITECH FINANCIAL LLC in this matter.
2. On 2/20/2018, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

2/20/2018

RAS Citron, LLC
Attorney for Secured Creditor
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Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Laura Egerman
Laura Egerman, Esquire
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<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Rex J. Roldan Law Office of Rex J. Roldan, PC Washington Professional Campus 900 Route 168, Suite I-4 Turnersville, NJ 08012	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Raymond F. Dougherty 1121 Cooper Street Woodbury, NJ 08096	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Isabel C. Balboa Cherry Tree Corporate Center 535 Route 38 - Suite 580 Cherry Hill, NJ 08002	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)